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Supplement to The New Mexican Review

The Constitution of the State of New Mexico

Adopted by the Constitutional Convention, held at Santa Fe, N. M., from October 3 to November 21, 1910.

We, the people of New Mexico, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do ordain and establish this constitution.

ARTICLE I.

Name and Boundaries.

The name of this state is New Mexico, and its boundaries are as follows:

Beginning at the point where the thirty-seventh parallel of north latitude intersects the one hundred and third meridian west from Greenwich; thence along said one hundred and third meridian to the thirty-second parallel of north latitude; thence along said thirty-second parallel to the Rio Grande, also known as the Rio Bravo del Norte, as it existed on the ninth day of September, one thousand eight hundred and fifty; thence, following the main channel of said river, as it existed on the ninth day of September, one thousand eight hundred and fifty, to the parallel of thirty-one degrees forty-seven minutes north latitude; thence west one hundred miles to a point; thence south to the parallel of thirty-one degrees twenty minutes north latitude; thence along said parallel of thirty-one degrees twenty minutes, to the thirty-second meridian of longitude west from Washington; thence along said thirty-second meridian to the thirty-seventh parallel of north latitude; thence along said thirty-seventh parallel to the point of beginning.

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ARTICLE II.

Bill of Rights.

Section 1 The State of New Mexico is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

Sec. 2. All political power is vested in and derived from the people;

all government of right originates with the people, is founded upon their will and is instituted solely for their good.

Sec. 3. The people of the state have the sole and exclusive right to govern themselves as a free, sovereign and independent state.

Sec. 4. All persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness.

Sec 5. The rights, privileges and immunities, civil, political and religious, guaranteed to the people of New Mexico by the treaty of Guadalupe Hidalgo shall be preserved inviolate.

Sec. 6. The people have the right to bear arms for their security and defense, but nothing herein shall be held to permit the carrying of concealed weapons.

Sec. 7. The privilege of the writ of habeas corpus shall never be suspended, unless, in case of rebellion or invasion, the public safety requires it.

Sec. 8. All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 9. The military shall always be in strict subordination to the civil power; no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 10. The people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures, and no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, or the persons or things to be seized, nor without a written showing of probable cause, supported by oath or affirmation.

Sec. 11. Every man shall be free to worship God according to the dictates of his own conscience, and no person shall ever be molested or denied any civil or political right or privilege on account of his religious opinion or mode of religious worship. No person shall be required to attend any place of worship or support any religious sect or denomination; nor shall any preference be given by law to any religious denomination or mode of worship.

Sec. 12. The right of trial by jury as it has heretofore existed shall be secured to all and remain inviolate. In all cases triable in courts inferior to the district court the jury may consist of six. The legislature may provide that verdicts in civil cases may be rendered by less than a unanimous vote of the jury.

Sec. 13. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 14. No person shall be held to answer for a capital, felonious or infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the militia when in actual service in time of war or public danger. In all criminal prosecutions the accused shall have the right to appear and defend himself in person, and by

counsel; to demand the nature and cause of the accusation; to be confronted with the witnesses against him; to have the charge and testimony interpreted to him in a language that he understands; to have compulsory process to compel the attendance of necessary witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 15. No person shall be compelled to testify against himself in a criminal proceeding, nor shall any person be twice put in jeopardy for the same offense; and when the indictment, information or affidavit upon which any person is convicted charges different offenses or different degrees of the same offense and a new trial is granted the accused, he may not again be tried for an offense or degree of the offense greater than the one of which he was convicted.

Sec. 16. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 17. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 18. No person shall be deprived of life, liberty or property without due process of law; nor shall any person be denied the equal protection of the laws.

Sec. 19. No ex-post-facto law, bill of attainder, nor law impairing the obligation of contracts shall be enacted by the legislature.

Sec. 20. Private property shall not be taken or damaged for public use without just compensation.

Sec. 21. No person shall be imprisoned for debt in any civil action.

Sec. 22. No distinction shall ever be made by law between resident aliens and citizens in regard to the ownership or descent of property.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.

ARTICLE III.

Distribution of Powers.

Section 1. The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments, shall exercise any powers properly belonging to either of the others, except as in this constitution otherwise expressly directed or permitted.

ARTICLE IV.

Legislative Department.

Section 1. The legislative power shall be vested in a senate and house of representatives which shall be designated the Legislature of the State of New Mexico, and shall hold its sessions at the seat of government.

The people reserve the power to disapprove, suspend and annul any law enacted by the legislature, except general appropriation laws; laws providing for the preservation of the public peace, health or safety; for the payment of the public debt or interest thereon, or the creation or funding of the same, except as in this constitution otherwise provided; for the maintenance of the public schools or state institutions, and local or special laws. Petitions disapproving any law other than those above excepted, enacted at the last preceding session of the legislature, shall be filed with the secretary of state not less than four months prior to the next general election. Such petitions shall be signed by not less than ten per centum of the qualified electors of each of three-fourths of the counties and in the aggregate by not less than ten per centum of the qualified electors of the state, as shown by the total number of votes cast at the last preceding general election. The question of the approval or rejection of such law shall be submitted by the secretary of state to the electorate at the next general election; and if a majority of the legal votes cast thereon, and not less than forty per centum of the total number of legal votes cast at such general election, be cast for the rejection of such law, it shall be annulled and thereby repealed with the same effect as if the legislature had then repealed it, and such repeal shall revive any law repealed by the act so annulled; otherwise, it shall remain in force unless subsequently repealed by the legislature. If such petition or petitions be signed by not less than twenty-five per centum of the qualified electors under each of the foregoing conditions, and be filed with the secretary of state within ninety days after the adjournment of the session of the legislature at which such law was enacted, the operation thereof shall be thereupon suspended and the question of its approval or rejection shall be likewise submitted to a vote at the next ensuing general election. If a majority of the votes cast thereon and not less than forty per centum of the total number of votes cast at such general election be cast for its rejection, it shall be thereby annulled; otherwise, it shall go into effect upon publication of the certificate of the secretary of state declaring the result of the vote thereon. It shall be a felony for any person to sign any such petition with any name other than his own, or to sign his name more than once for the same measure, or to sign such petition when he is not a qualified elector in the county specified in such petition; provided, that nothing herein shall be construed to prohibit the writing thereon of the name of any person who cannot write, and who signs the same with his mark. The legislature shall enact laws necessary for the effective exercise of the power hereby reserved.

Sec. 2. In addition to the powers herein enumerated, the legisla-

ture shall have all powers necessary to the legislature of a free state.

Sec. 3. The senate shall consist of twenty-four, and the house of representatives of forty-nine members, who shall be qualified electors of their respective districts and residents of New Mexico for at least three years next preceding their election. Senators shall not be less than twenty-five years, and representatives not less than twenty-one years of age at the time of their election. No person shall be eligible to the legislature who, at the time of qualifying, holds any office of trust or profit under the state, county or national government, except notaries public and officers of the militia who receive no salary.

Sec. 4. Members of the legislature shall be elected as follows: Senators for the term of four years, and members of the house of representatives for the term of two years. They shall be elected on the day provided by law for holding the general election of state officers or representatives in congress. Vacancies in either house shall be filled by an election at a time to be designated by the governor.

Sec. 5. The first session of the legislature shall begin at twelve o'clock, noon, on the day specified in the proclamation of the governor. Subsequent sessions shall begin at twelve o'clock, noon, on the second Tuesday of January next after each general election. No regular session shall exceed sixty days, except the first, which may be ninety days, and no special session shall exceed thirty days.

Sec. 6. Special sessions of the legislature may be called by the governor, but no business shall be transacted except such as relates to the objects specified in his proclamation.

Sec. 7. Each house shall be the judge of the election and qualifications of its own members. A majority of either house shall constitute a quorum to do business, but a less number may effect a temporary organization, adjourn from day to day, and compel the attendance of absent members.

Sec. 8. The senate shall be called to order in the hall of the senate by the lieutenant-governor. The senate shall elect a president pro tempore who shall preside in the absence of the lieutenant-governor and shall serve until the next session of the legislature. The house of representatives shall be called to order in the hall of said house by the secretary of state. He shall preside until the election of a speaker, who shall be the member receiving the highest number of votes for that office.

Sec. 9. The legislature shall choose its own officers and employes and fix their compensation, but the number and compensation shall never exceed the following: For each house, one chaplain at three dollars per day; one chief clerk and one sergeant-at-arms, each at six dollars per day; one assistant chief clerk and one assistant sergeant-at-arms, each at five dollars per day; two enrolling clerks and two reading clerks, each at five dollars per day; six stenographers for the senate and eight for the house, each at six dollars per day; and such subordinate employes in addition to the above as they may require, but the aggregate compensation of such additional employes shall not exceed twenty dollars per day for the senate and thirty dollars per day for the house.

Sec. 10. Each member of the legislature shall receive as compensation for his services the sum of five dollars for each day's attendance during each session and ten cents for each mile traveled in going to and returning from the seat of government by the usual traveled route, once each session, and he shall receive no other compensation, perquisite or allowance.

Sec. 11. Each house may determine the rules of its procedure, punish its members or others for contempt or disorderly behavior in its presence, and protect its members against violence; and may, with the concurrence of two-thirds of its members, expel a member, but not a second time for the same act. Punishment for contempt or disorderly behavior or by expulsion shall not be a bar to criminal prosecution.

Sec. 12. All sessions of each house shall be public. Each house shall keep a journal of its proceedings, and the yeas and nays on any question shall, at the request of one-fifth of the members present, be entered thereon. The original thereof shall be filed with the secretary of state at the close of the session, and shall be printed and published under his authority.

Sec. 13. Members of the legislature shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and on going to and returning from the same. And they shall not be questioned in any other place for any speech or debate or for any vote cast in either house.

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than three days, Sundays excepted; nor to any other place than that where the two houses are sitting; and on the day of the final adjournment they shall adjourn at twelve o'clock, noon.

Sec. 15. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose. The enacting clause of all bills shall be: "Be it enacted by the legislature of the State of New Mexico." Any bill may originate in either house. No bill, except bills to provide for the public peace, health and safety, and the codification or revision of the laws, shall become a law unless it has been printed, and read three different times in each house, not more than two of which readings shall be on the same day, and the third of which shall be in full.

Sec. 16. The subject of every bill shall be clearly expressed in its title, and no bill embracing more than one subject shall be passed except general appropriation bills and bills for the codification or revision of the laws; but if any subject is embraced in any act which is not expressed in its title, only so much of the act as is not so expressed shall be void. General appropriation bills shall embrace nothing but appropriations for the expense of the executive, legislative and judiciary departments, interest, sinking fund, payments on the public debt, public schools, and other expenses required by existing laws; but if any such bill contain any other matter, only so much thereof as is hereby forbidden to be placed therein shall be void. All other appropriations shall be made by separate bills.

Sec. 17. No bill shall be passed except by a vote of a majority

of the members present in each house, nor unless on its final passage a vote be taken by yeas and nays, and entered on the journal.

Sec. 18. No law shall be revised or amended, or the provisions thereof extended by reference to its title only; but each section thereof as revised, amended or extended shall be set out in full.

Sec. 19. No bill for the appropriation of money, except for the current expenses of the government, and no bill for the increase of compensation of any officer, or for the creation of any lucrative office, shall be introduced after the tenth day prior to the expiration of the session, as provided herein, except by unanimous consent of the house in which it is introduced. No bill shall be acted upon at any session unless introduced at that session.

Sec. 20. Immediately after the passage of any bill or resolution, t shall be enrolled and engrossed, and read publicly in full in each house, and thereupon shall be signed by the presiding officers of each house in open session, and the fact of such reading and signing shall be entered on the journal. No interlineation or erasure in a signed bill, shall be effective, unless certified thereon in express terms by the presiding officer of each house quoting the words interlined or erased, nor unless the fact of the making of such interlineation or erasure be publicly announced in each house and entered on the journal.

Sec. 21. Any person who shall, without lawful authority, materially change or alter, or make away with, any bill pending in or passed by the legislature, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Sec. 22. Every bill passed by the legislature shall, before it becomes a law, be presented to the governor for approval. If he approve, he shall sign it, and deposit it with the secretary of state; otherwise, he shall return it to the house in which it originated, with his objections, which shall be entered at large upon the journal; and such bill shall not become a law unless thereafter approved by two-thirds of the members present and voting in each house by yea and nay vote entered upon its journal. Any bill not returned by the governor within three days, Sundays excepted, after being presented to him, shall become a law, whether signed by him or not, unless the legislature by adjournment prevent such return. Every bill presented to the governor during the last three days of the session shall be approved or disapproved by him within six days after the adjournment, and shall be by him immediately deposited with the secretary of state. Unless so approved and signed by him such bill shall not become a law. The governor may in like manner approve or disapprove any part or parts, item or items, of any bill appropriating money, and such parts or items approved shall become a law, and such as are disapproved shall be void, unless passed over his veto, as herein provided.

Sec. 23. Laws shall go into effect ninety days after the adjournment of the legislature enacting them, except general appropriation laws, which shall go into effect immediately upon their passage and approval. Any act necessary for the preservation of the public peace, health or safety, shall take effect immediately upon its passage and

approval, provided it be passed by two-thirds vote of each house and such necessity be stated in a separate section.

Sec. 24. The legislature shall not pass local or special laws in any of the following cases: Regulating county, precinct or district affairs; the jurisdiction and duties of justices of the peace, police magistrates and constables; the practice in courts of justice; the rate of interest on money; the punishment for crimes and misdemeanors; the assessment or collection of taxes or extending the time of collection thereof; the summoning and impanelling of jurors; the management of public schools; the sale or mortgaging of real estate of minors or others under disability; the change of venue in civil or criminal cases. Nor in the following cases: Granting divorces; laying out, opening, altering or working roads or highways, except as to state roads extending into more than one county, and military roads; vacating roads, town plats, streets, alleys or public grounds; locating or changing county seats, or changing county lines, except in creating new counties; incorporating cities, towns or villages or changing or amending the charter of any city, town or village; the opening or conducting of any election or designating the place of voting; declaring any person of age; chartering or licensing ferries, toll bridges, toll roads, banks, insurance companies, or loan and trust companies; remitting fines, penalties, forfeitures or taxes; or refunding money paid into the state treasury, or relinquishing, extending or extinguishing, in whole or in part, any indebtedness or liability of any person or corporation, to the state or any municipality therein; creating, increasing or decreasing fees, percentages or allowances of public officers; changing the laws of descent; granting to any corporation, association or individual the right to lay down railroad tracks or any special or exclusive privilege, immunity or franchise, or amending existing charters for such purpose; changing the rules of evidence in any trial or inquiry; the limitation of actions; giving effect to any informal or invalid deed, will or other instrument; exempting property from taxation; restoring to citizenship any person convicted of an infamous crime; the adoption or legitimizing of children; changing the name of persons or places; and the creation, extension or impairment of liens. In every other case where a general law can be made applicable, no special law shall be enacted.

Sec. 25. No law shall be enacted legalizing the unauthorized or invalid act of any officer, remitting any fine, penalty or judgment against any officer, or validating any illegal use of public funds.

Sec. 26. The legislature shall not grant to any corporation or person, any rights, franchises, privileges, immunities or exemptions, which shall not, upon the same terms and under like conditions, inure equally to all persons or corporations; no exclusive right, franchise, privilege or immunity shall be granted by the legislature or any municipality in this state.

Sec. 27. No law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor shall the compensation of any officer be increased or diminished during his term of office, except as otherwise provided in this constitution.

Sec. 28. No member of the legislature shall, during the term for

which he was elected, be appointed to any civil office in the state, nor shall he within one year thereafter be appointed to any civil office created, or the emoluments of which were increased during such term; nor shall any member of the legislature during the term for which he was elected nor within one year thereafter, be interested directly or indirectly in any contract with the state or any municipality thereof, which was authorized by any law passed during such term.

Sec. 29. No law authorizing indebtedness shall be enacted which does not provide for levying a tax sufficient to pay the interest, and for the payment at maturity of the principal.

Sec. 30. Except interest or other payments on the public debt, money shall be paid out of the treasury only upon appropriations made by the legislature. No money shall be paid therefrom except upon warrant drawn by the proper officer. Every law making an appropriation shall distinctly specify the sum appropriated and the object to which it is to be applied.

Sec. 31. No appropriation shall be made for charitable, educational or other benevolent purposes to any person, corporation, association, institution or community, not under the absolute control of the state, but the legislature may, in its discretion, make appropriations for the charitable institutions and hospitals, for the maintenance of which annual appropriations were made by the Legislative Assembly of nineteen hundred and nine.

Sec. 32. No obligation or liability of any person, association or corporation, held or owned by or owing to the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, postponed, or in any way diminished by the legislature, nor shall any such obligation or liability be extinguished except by the payment thereof into the proper treasury, or by proper proceeding in court.

Sec. 33. No person shall be exempt from prosecution and punishment for any crime or offenses against any law of this state by reason of the subsequent repeal of such law.

Sec. 34. No act of the legislature shall affect the right or remedy of either party, or change the rules of evidence or procedure, in any pending case.

Sec. 35. The sole power of impeachment shall be vested in the house of representatives, and a concurrence of a majority of all the members elected shall be necessary to the proper exercise thereof. All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be under oath or affirmation to do justice according to the law and the evidence. When the governor or lieutenant-governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected.

Sec. 36. All state officers and judges of the district court shall be liable to impeachment for crimes, misdemeanors and malfeasance in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit, or to vote under the laws of this state; but such officer or judge, whether convicted or acquitted shall, nevertheless, be

liable to prosecution, trial, judgment, punishment or civil action, according to law. No officer shall exercise any powers or duties of his office after notice of his impeachment is served upon him until he is acquitted.

Sec. 37. It shall not be lawful for a member of the legislature to use a pass, or to purchase or receive transportation over any railroad upon terms not open to the general public; and the violation of this section shall work a forfeiture of the office.

Sec. 38. The legislature shall enact laws to prevent trusts, monopolies and combinations in restraint of trade.

Sec. 39. Any member of the legislature who shall vote or use his influence for or against any matter pending in either house in consideration of any money, thing of value, or promise thereof, shall be deemed guilty of bribery; and any member of the legislature or other person who shall directly or indirectly offer, give or promise any money, thing of value, privilege or personal advantage, to any member of the legislature to influence him to vote or work for or against any matter pending in either house; or any member of the legislature who shall solicit from any person or corporation any money, thing of value or personal advantage for his vote or influence as such member shall be deemed guilty of solicitation of bribery.

Sec. 40. Any person convicted of any of the offenses mentioned in sections thirty-seven and thirty-nine hereof, shall be deemed guilty of a felony and upon conviction shall be punished by fine of not more than one thousand dollars or by imprisonment in the penitentiary for not less than one nor more than five years.

Sec. 41. Any person may be compelled to testify in any lawful investigation or judicial proceeding against another charged with bribery or solicitation of bribery as defined herein, and shall not be permitted to withhold his testimony on the ground that it might incriminate or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding against him except for perjury in giving such testimony.

APPORTIONMENT.

Until changed by law as hereinafter provided, the legislative districts of the state shall be constituted as follows:

Senatorial Districts.

First. The county of San Miguel, one senator.

Second. The counties of San Miguel and Mora, one senator to be a resident of Mora County and to be elected by the electors of Mora and San Miguel counties.

Third. The counties of Guadalupe and San Miguel, one senator.

Fourth. The county of Rio Arriba, one senator.

Fifth. The counties of Bernalillo, San Juan and Sandoval, one senator.

Sixth. The counties of Rio Arriba and Sandoval, one senator.

Seventh. The county of Bernalillo, one senator.

Eighth. The county of Colfax, one senator.

Ninth. The counties of Union and Colfax, one senator, to be a

resident of Union County, and to be elected by the qualified electors of Union and Colfax counties.

Tenth. The county of Santa Fe, one senator.

Eleventh. The county of Taos, one senator.

Twelfth. The county of Valencia, one senator.

Thirteenth. The counties of Sierra, Grant, Luna and Socorro, one senator.

Fourteenth. The county of Socorro, one senator.

Fifteenth. The counties of Torrance, Otero, Lincoln and Socorro, one senator.

Sixteenth. The county of Dona Ana, one senator.

Seventeenth. The county of McKinley, one senator.

Eighteenth. The counties of Otero and Lincoln, one senator.

Nineteenth. The county of Chaves, one senator.

Twentieth. The county of Eddy, one senator.

Twenty-first. The county of Roosevelt, one senator.

Twenty-second. The county of Quay, one senator.

Twenty-third. The county of Curry, one senator.

Twenty-fourth. The county of Grant, one senator.

Representative Districts.

First. The county of Valencia, two members.

Second. The county of Socorro, two members.

Third. The county of Bernalillo, three members.

Fourth. The county of Santa Fe, two members.

Fifth. The county of Rio Arriba, two members.

Sixth. The county of San Miguel, three members.

Seventh. The county of Mora, two members.

Eighth. The county of Colfax, two members.

Ninth. The county of Taos, two members.

Tenth. The county of Sandoval, one member.

Eleventh. The county of Union, two members.

Twelfth. The county of Torrance, one member.

Thirteenth. The county of Guadalupe, one member.

Fourteenth. The county of McKinley, two members.

Fifteenth. The county of Dona Ana, two members.

Sixteenth. The county of Lincoln, one member.

Seventeenth. The county of Otero, one member.

Eighteenth. The county of Chaves, three members.

Nineteenth. The county of Eddy, two members.

Twentieth. The county of Roosevelt, one member.

Twenty-first. The county of Luna, one member.

Twenty-second. The county of Grant, two members.

Twenty-third. The county of Sierra, one member.

Twenty-fourth. The county of San Juan, one member.

Twenty-fifth. The county of Quay, two members.

Twenty-sixth. The county of Curry, one member.

Twenty-seventh. The counties of Rio Arriba and Sandoval, one member.

Twenty-eighth. The counties of Torrance, Santa Fe and Guadalupe, one member.

Twenty-ninth. The counties of San Miguel and Guadalupe, one member.

Thirtieth. The counties of Lincoln, Otero and Socorro, one member.

Upon the creation of any new county it shall be annexed to some contiguous district for legislative purposes.

At its first session after the publication of the census of the United States in the year nineteen hundred and twenty and at the first session after each United States census thereafter, the legislature may reapportion the legislative districts of the state upon the basis of population; provided, that each county included in each district shall be contiguous to some other county therein.

ARTICLE V.

Executive Department.

Section 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney-general, superintendent of public instruction and commissioner of public lands, who shall be elected for the term of four years beginning on the first day of January next after their election.

Such officers, except the commissioner of public lands and superintendent of public instruction, shall be ineligible to succeed themselves after serving one full term. The officers of the executive department, except the lieutenant-governor, shall, during their terms of office, reside and keep the public records, books, papers and seals of office at the seat of government.

Sec. 2. The returns of every election for state officers shall be sealed up and transmitted to the secretary of state, who, with the governor and chief justice, shall constitute the state canvassing board which shall canvass and declare the result of the election. The person having the highest number of votes for any office, as shown by said returns, shall be declared duly elected. If two or more have an equal and the highest number of votes for the same office, one of them shall be chosen therefor by the legislature on joint ballot.

Sec. 3. No person shall be eligible to any office specified in section one, hereof, unless he be a citizen of the United States, at least thirty years of age, nor unless he shall have resided continuously in New Mexico for five years next preceding his election; nor to the office of attorney-general, unless he be a licensed attorney of the supreme court of New Mexico in good standing; nor to the office of superintendent of public instruction unless he be a trained and experienced educator.

Sec. 4. The supreme executive power of the state shall be vested in the governor, who shall take care that the laws be faithfully executed. He shall be commander-in-chief of the military forces of the state, except when they are called into the service of the United States. He shall have power to call out the militia to preserve the public peace, execute the laws, suppress insurrection and repel invasion.

Sec. 5. The governor shall nominate, and, by and with the consent of the senate, appoint all officers whose appointment or election is not otherwise provided for, and may remove any officer appointed by him for incompetency, neglect of duty or malfeasance in office. Should a vacancy occur in any state office, except lieutenant-governor and member of the legislature, the governor shall fill such office by appointment, and such appointee shall hold office until the next general election, when his successor shall be chosen for the unexpired term.

Sec. 6. Subject to such regulations as may be prescribed by law, the governor shall have power to grant reprieves and pardons, after conviction for all offenses except treason and in cases of impeachment.

Sec. 7. In case of a vacancy in the office of governor, the lieutenant-governor shall succeed to that office, and to all the powers, duties and emoluments thereof. In case the governor is absent from the state, or is for any reason unable to perform his duties, the lieutenant-governor shall act as governor, with all the powers, duties and emoluments of that office until such disability be removed. In case there is no lieutenant-governor, or in case he is for any reason unable to perform the duties of governor, then the secretary of state or, in case there is no secretary of state, or he is for any reason unable to perform the duties of governor, then the president pro tempore of the senate, shall succeed to the office of governor, or act as governor as hereinbefore provided.

Sec. 8. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided.

Sec. 9. Each officer of the executive department and of the public institutions of the state shall keep an account of all moneys received by him and make reports thereof to the governor under oath, annually, and at such other times as the governor may require, and shall, at least thirty days preceding each regular session of the legislature, make a full and complete report to the governor, who shall transmit the same to the legislature.

Sec. 10. There shall be a state seal which shall be called the "Great Seal of the State of New Mexico," and shall be kept by the secretary of state.

Sec. 11. All commissions shall issue in the name of the state, be signed by the governor and attested by the secretary of state, who shall affix the state seal thereto.

Sec. 12. The annual compensation to be paid to the officers mentioned in section one of this article shall be as follows: Governor, five thousand dollars; secretary of state, three thousand dollars; state auditor, three thousand dollars; state treasurer, three thousand dollars; attorney-general, four thousand dollars; superintendent of public instruction, three thousand dollars, and commissioner of public lands, three thousand dollars; which compensation shall be paid to the respective officers in equal quarterly payments.

The lieutenant-governor shall receive ten dollars per diem while acting as presiding officer of the senate, and mileage at the same rate as a state senator.

The compensation herein fixed shall be full payment for all serv-

ices rendered by said officers and they shall receive no other fees or compensation whatsoever.

The compensation of any of said officers may be increased or decreased by law after the expiration of ten years from the date of the admission of New Mexico as a state.

Sec. 13. All district, county, precinct and municipal officers, shall be residents of the political subdivisions for which they are elected or appointed.

ARTICLE VI.

Judicial Department.

Section 1. The judicial power of the state shall be vested in the senate when sitting as a court of impeachment, a supreme court, district courts, probate courts, justices of the peace, and such courts inferior to the district courts as may be established by law from time to time in any county or municipality of the state, including juvenile courts.

Sec. 2. The appellate jurisdiction of the supreme court shall be coextensive with the state, and shall extend to all final judgments and decisions of the district courts, and said court shall have such appellate jurisdiction of interlocutory orders and decisions of the district courts as may be conferred by law.

Sec. 3. The supreme court shall have original jurisdiction in quo warranto and mandamus against all state officers, boards and commissions, and shall have a superintending control over all inferior courts; it shall also have power to issue writs of mandamus, error, prohibition, habeas corpus, certiorari, injunction and all other writs necessary or proper for the complete exercise of its jurisdiction and to hear and determine the same. Such writs may be issued by direction of the court, or by any justice thereof. Each justice shall have power to issue writs of habeas corpus upon petition by or on behalf of a person held in actual custody, and to make such writs returnable before himself or before the supreme court, or before any of the district courts or any judge thereof.

Sec. 4. The supreme court of the state shall consist of three justices, who shall be elected at the general election for representatives in congress for a term of eight years.

At the first election for state officers after the adoption of this constitution, there shall be elected three justices of the supreme court, who shall immediately qualify and classify themselves by lot, so that one of them shall hold office until four years, one until six years, and one until eight years, from and after the first day of January, nineteen hundred and thirteen. A certificate of such classification shall be filed in the office of the secretary of state. Until otherwise provided by law, the justice who has the shortest term to serve shall be the chief justice and shall preside at all sessions of the court; and in his absence the justice who has the next shortest term to serve shall preside; but no justice appointed or elected to fill a vacancy shall be chief justice.

Sec. 5. A majority of the justices of the supreme court shall be necessary to constitute a quorum for the transaction of business, and a majority of the justices must concur in any judgment of the court.

Sec. 6. When a justice of the supreme court shall be interested in any case, or be absent, or incapacitated, the remaining justices of the court may, in their discretion, call in any district judge of the state to act as a justice of the court.

Sec. 7. The supreme court shall hold one term each year, commencing on the second Wednesday in January, and shall be at all times in session at the seat of government; provided, that the court may, from time to time, take such recess as in its judgment may be proper.

Sec. 8. No person shall be qualified to hold the office of justice of the supreme court unless he be at least thirty years old, learned in the law, and shall have been in the actual practice of law and resided in this state or the Territory of New Mexico, for at least three years. Any person whose time of service upon the bench of any district court of this state or the Territory of New Mexico, added to the time he may have practiced law, as aforesaid, shall be equal to three years, shall be qualified without having practiced for the full three years.

Sec. 9. The supreme court may appoint and remove at pleasure its reporter, bailiff, clerk and such other officers and assistants as may be prescribed by law.

Sec. 10. After the publication of the census of the United States in the year nineteen hundred and twenty, the legislature shall have power to increase the number of justices of the supreme court to five; provided, however, that no more than two of said justices shall be elected at one time, except to fill a vacancy.

Sec. 11. The justices of the supreme court shall each receive an annual salary of six thousand dollars, payable quarterly.

Sec. 12. The state shall be divided into eight judicial districts, and a judge shall be chosen for each district by the qualified electors thereof at the election for representatives in congress. The terms of office of the district judges shall be six years.

Sec. 13. The district court shall have original jurisdiction in all matters and causes not excepted in this constitution, and such jurisdiction of special cases and proceedings as may be conferred by law, and appellate jurisdiction of all cases originating in inferior courts and tribunals in their respective districts, and supervisory control over the same. The district courts, or any judge thereof, shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, prohibition, and all other writs, remedial or otherwise in the exercise of their jurisdiction; provided, that no such writs shall issue directed to judges or courts of equal or superior jurisdiction. The district courts shall also have the power of naturalization in accordance with the laws of the United States. Until otherwise provided by law, at least two terms of the district court shall be held annually in each county, at the county seat.

Sec. 14. The qualifications of the district judges shall be the same as those of justices of the supreme court. Each district judge shall reside in the district for which he was elected.

Sec. 15. Any district judge may hold district court in any county at the request of the judge of such district.

Whenever the public business may require, the chief justice of the supreme court shall designate any district judge of the state to hold court in any district, and two or more district judges may sit in any district or county separately at the same time. If any judge shall be disqualified from hearing any cause in the district, the parties to such cause, or their attorneys of record, may select some member of the bar to hear and determine said cause, and act as judge pro tempore therein.

Sec. 16. The legislature may increase the number of district judges in any judicial district, and they shall be elected as other district judges. At its first session after the publication of the census of the United States in the year nineteen hundred and twenty, and at the first session after each United States census thereafter, the legislature may rearrange the districts of the state, increase the number thereof, and make provision for a district judge for any additional district.

Sec. 17. Each judge of the district court shall receive an annual salary of four thousand five hundred dollars, payable quarterly by the state.

Sec. 18. No judge of any court nor justice of the peace shall, except by consent of all parties, sit in the trial of any cause in which either of the parties shall be related to him by affinity or consanguinity within the degree of first cousin, or in which he was counsel, or in the trial of which he presided in any inferior court, or in which he has an interest.

Sec. 19. No judge of the supreme or district courts shall be nominated or elected to any other than a judicial office in this state.

Sec. 20. All writs and processes shall issue, and all prosecution shall be conducted in the name of "The State of New Mexico."

Sec. 21. Justices of the supreme court in the state, district judges in their respective districts and justices of the peace in their respective counties, shall be conservators of the peace. District judges and justices of the peace may hold preliminary examinations in criminal cases.

Sec. 22. Until otherwise provided by law, a county clerk shall be elected in each county who shall, in the county for which he is elected, perform all the duties now performed by the clerks of the district courts and clerks of the probate courts.

Sec. 23. A probate court is hereby established for each county, which shall be a court of record, and, until otherwise provided by law, shall have the same jurisdiction as is now exercised by the probate courts of the Territory of New Mexico. The legislature shall have power from time to time to confer upon the probate court in any county in this state, general civil jurisdiction coextensive with the county; provided, however, that such court shall not have jurisdiction in civil causes in which the matter in controversy shall exceed in value one thousand dollars, exclusive of interest; nor in any action for malicious prosecution, divorce and alimony, slander and libel; nor in any action against officers for misconduct in office; nor in any action for the specific performance of contracts for the sale of

real estate; nor in any action for the possession of land; nor in any matter wherein the title or boundaries of land may be in dispute or drawn in question; nor to grant writs of injunction, habeas corpus or extraordinary writs. Jurisdiction may be conferred upon the judges of said court to act as examining and committing magistrates in criminal cases, and upon said courts for the trial of misdemeanors in which the punishment cannot be imprisonment in the penitentiary, or in which the fine cannot be in excess of one thousand dollars. A jury for the trial of such cases shall consist of six men.

Any civil or criminal case pending in the probate court, in which the probate judge is disqualified, shall be transferred to the district court of the same county for trial.

Sec. 24. There shall be a district attorney for each judicial district, who shall be learned in the law, and who shall have been a resident of New Mexico for three years next prior to his election, shall be the law officer of the state and of the counties within his district, shall be elected for a term of four years, and shall perform such duties and receive such salary as may be prescribed by law.

The legislature shall have the power to provide for the election of additional district attorneys in any judicial district and to designate the counties therein for which the district attorneys shall serve; but no district attorney shall be elected for any district of which he is not a resident.

Sec. 25. The state shall be divided into eight judicial districts, as follows:

First District. The counties of Santa Fe, Rio Arriba and San Juan.

Second District. The counties of Bernalillo, McKinley and Sandoval.

Third District. The counties of Dona Ana, Otero, Lincoln and Torrance.

Fourth District. The counties of San Miguel, Mora and Guadalupe.

Fifth District. The counties of Eddy, Chaves, Roosevelt and Curry.

Seventh District. The counties of Socorro, Valencia and Sierra.

Eighth District. The counties of Taos, Colfax, Union and Quay.

In case of the creation of new counties the legislature shall have power to attach them to any contiguous district for judicial purposes.

Sec. 26. Justices of the peace, police magistrates and constables shall be elected in and for such precincts or districts as are or may be provided by law. Such justices and police magistrates shall not have jurisdiction in any matter in which the title to real estate or the boundaries of land may be in dispute or drawn in question or in which the debt or sum claimed shall be in excess of two hundred dollars exclusive of interest.

Sec. 27. Appeals shall be allowed in all cases from the final judgments and decisions of the probate courts and justices of the peace to the district courts, and in all such appeals trial shall be had de novo unless otherwise provided by law.

ARTICLE VII.

Elective Franchise.

Section 1. Every male citizen of the United States, who is over the age of twenty-one years, and has resided in New Mexico twelve months, in the county ninety days, and in the precinct in which he offers to vote thirty days, next preceding the election, except idiots, insane persons, persons convicted of a felonious or infamous crime unless restored to political rights, and Indians not taxed, shall be qualified to vote at all elections for public officers. All school elections shall be held at different times from other elections. Women possessing the qualifications prescribed in this section for male electors shall be qualified electors at all such school elections; provided, that if a majority of the qualified voters of any school district shall, not less than thirty days before any school election, present a petition to the board of county commissioners against women suffrage in such district, the provisions of this section relating to woman suffrage shall be suspended therein, and such provision shall become again operative only upon the filing with said board of a petition signed by a majority of the qualified voters favoring the restoration thereof. The board of county commissioners shall certify the suspension or restoration of such suffrage to the proper school district.

The legislature shall have the power to require the registration of the qualified electors as a requisite for voting, and shall regulate the manner, time and places of voting. The legislature shall enact such laws as will secure the secrecy of the ballot, the purity of elections and guard against the abuse of elective franchise. Not more than two members of the board of registration and not more than two judges of election shall belong to the same political party at the time of their appointment.

Sec. 2. Every male citizen of the United States who is a legal resident of the state and is a qualified elector therein, shall be qualified to hold any public office in the state, except as otherwise provided in this constitution; provided, however, that women possessing the qualifications of male electors prescribed in paragraph one of this article shall be qualified to hold the office of county school superintendent, and shall also be eligible for election to the office of school director or members of a board of education.

Sec. 3. The right of any citizen of the state to vote, hold office, or sit upon juries, shall never be restricted, abridged or impaired on account of religion, race, language or color, or inability to speak, read or write the English or Spanish languages except as may be otherwise provided in this constitution; and the provisions of this section and of section one of this article shall never be amended except upon a vote of the people of this state in an election at which at least three-fourths of the electors voting in the whole state, and at least two-thirds of those voting in each county of the state, shall vote for such amendment.

Sec. 4. No person shall be deemed to have acquired or lost residence by reason of his presence or absence while employed in the

service of the United States or of the state, nor while a student at any school.

Sec. 5. All elections shall be by ballot, and the person who receives the highest number of votes for any office shall be declared elected thereto.

ARTICLE VIII.

Taxation and Revenue.

Section 1. The rate of taxation shall be equal and uniform upon all subjects of taxation.

Sec. 2. The legislature shall have power to provide for the levy and collection of license, franchise, excise, income, collateral and direct-inheritance, legacy and succession taxes; also graduated income taxes, graduated collateral and direct-inheritance taxes, graduated legacy and succession taxes, and other specific taxes, including taxes upon the production and output of mines, oil lands and forests; but no double taxation shall be permitted.

Sec. 3. The enumeration of subjects of taxation in section two of this article shall not deprive the legislature of the power to require other subjects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution.

Sec. 4. There shall be levied annually for state revenue a tax not to exceed four mills on each dollar of the assessed valuation of the property in the state, except for the support of the educational, penal and charitable institutions of the state, payment of the state debt and interest thereon. For the first two years after this constitution goes into effect the total annual tax levy for all state purposes exclusive of necessary levies for the state debt shall not exceed twelve mills; and thereafter it shall not exceed ten mills.

Sec. 5. A state board of equalization is hereby created which shall consist of the governor, traveling auditor, state auditor, secretary of state and attorney-general. Until otherwise provided, said board shall have and exercise all the powers now vested in the territorial board of equalization.

Sec. 6. The legislature shall have no power to release or discharge any county, city, town, school district or other municipal corporation or subdivision of the state, from its proportionate share of taxes levied for any purpose.

Sec. 7. The property of the United States, the state and all counties, towns, cities and school districts, and other municipal corporations, public libraries, community ditches and all laterals thereof, all church property, all property used for educational or charitable purposes, all cemeteries not used or held for private or corporate profit, and all bonds of the State of New Mexico, and of the counties, municipalities and districts thereof shall be exempt from taxation.

Sec. 8. The power to license and tax corporations and corporate property shall not be relinquished or suspended by the state or any subdivision thereof; provided, that the legislature may, by general law, exempt new railroads from taxation for not more than six

years, from and after the completion of any such railroad and branches; such railroad being deemed to be completed for the purpose of taxation, as to any operative division thereof, when the same is opened for business to the public; and new sugar factories, smelters, reduction and refining works, and pumping plants for irrigation purposes, and irrigation works, for not more than six years from and after their establishment.

Sec. 9. All property within the territorial limits of the authority levying the tax, and subject to taxation, shall be taxed therein for state, county, municipal and other purposes; provided, that the state board of equalization shall determine the value of all property of railroad, express, sleeping-car, telegraph, telephone and other transportation or transmission companies, used by such companies in the operation of their railroad, express, sleeping-car telegraph, or telephone lines, or other transportation or transmission lines, and shall certify the value thereof as so determined to the county and municipal taxing authorities.

Sec. 10. Any public officer making any profit out of public moneys, or using the same for any purpose not authorized by law, shall be deemed guilty of a felony and shall be punished as provided by law, and shall be disqualified to hold public office. All public moneys not invested in interest bearing securities shall be deposited in national banks in this state or in banks or trust companies incorporated under the laws of the state, and the interest derived therefrom shall be applied in the manner prescribed by law.

Sec. 11. The legislature may exempt from taxation property of each head of a family to the amount of two hundred dollars.

Sec. 12. Lands held in large tracts shall not be assessed for taxation at any lower value per acre than lands of the same character or quality and similarly situated, held in smaller tracts. The plowing of land shall not be considered as adding value thereto for the purpose of taxation.

Sec. 13. No execution shall issue upon any judgment rendered against the board of county commissioners of any county, or against any city, incorporated town or village, school district or board of education; or against any officer of any county, city, school district or board of education, upon any judgment recovered against him in his official capacity and for which the county, city, incorporated town or village, school district or board of education, is liable, but the same shall be paid out of the proceeds of a tax levy as other liabilities of counties, cities, incorporated towns or villages, school districts or boards of education, and when so collected shall be paid by the county treasurer to the judgment creditor.

ARTICLE IX.

State, County and Municipal Indebtedness.

Section 1. The state hereby assumes the debts and liabilities of the Territory of New Mexico, and the debts of the counties thereof, which were valid and subsisting on June twentieth, nineteen hun-

dred and ten, and pledges its faith and credit for the payment thereof. The legislature shall, at its first session, provide for the payment or refunding thereof by the issue and sale of bonds, or otherwise.

Sec. 2. No county shall be required to pay any portion of the debt of any other county so assumed by the state, and the bonds of Grant and Santa Fe counties which were validated, approved and confirmed by act of congress of January sixteenth, eighteen hundred and ninety-seven, shall be paid as hereinafter provided.

Sec. 3. The bonds authorized by law to provide for the payment of such indebtedness shall be issued in three series, as follows:

Series A. To provide for the payment of such debts and liabilities of the Territory of New Mexico.

Series B. To provide for the payment of such debts of said counties.

Series C. To provide for the payment of the bonds and accrued interest thereon of Grant and Santa Fe counties which were validated, approved and confirmed by act of congress, January sixteenth, eighteen hundred and ninety-seven.

Sec. 4. The proper officers of the state shall, as soon as practicable, select and locate the one million acres of land granted to the state by congress for the payment of the said bonds of Grant and Santa Fe counties, and sell the same or sufficient thereof to pay the interest and principal of the bonds of Series C issued as provided in section three hereof. The proceeds of rentals and sales of said land shall be kept in a separate fund and applied to the payment of the interest and principal of the bonds of Series C. Whenever there is not sufficient money in said fund to meet the interest and sinking fund requirements therefor, the deficiency shall be paid out of any funds of the state not otherwise appropriated, and shall be repaid to the state or to the several counties which may have furnished any portion thereof under a general levy, out of the proceeds subsequently received of rentals and sales of said lands.

Any money received by the state from rentals and sales of said lands in excess of the amounts required for the purposes above mentioned shall be paid into the current and permanent school funds of the state respectively.

Sec. 5. The legislature shall never enact any law releasing any county, or any of the taxable property therein, from its obligation to pay to the state any moneys expended by the state by reason of its assumption or payment of the debt of such county.

Sec. 6. No law shall ever be passed by the legislature validating or legalizing, directly or indirectly, the militia warrants alleged to be outstanding against the Territory of New Mexico, or any portion thereof; and no such warrant shall be prima facie or conclusive evidence of the validity of the debt purporting to be evidenced thereby or by any other militia warrant. This provision shall not be construed as authorizing any suit against the state.

Sec. 7. The state may borrow money not exceeding the sum of two hundred thousand dollars in the aggregate to meet casual deficits or failure in revenue, or for necessary expenses. The state may also

contract debts to suppress insurrection and to provide for the public defense.

Sec. 8. No debt other than those specified in the preceding section shall be contracted by or on behalf of this state, unless authorized by law for some specified work or object; which law shall provide for an annual tax levy sufficient to pay the interest and to provide a sinking fund to pay the principal of such debt within fifty years from the time of the contracting thereof. No such law shall take effect until it shall have been submitted to the qualified electors of the state and have received a majority of all the votes cast thereon at a general election; such law shall be published in full in at least one newspaper in each county of the state, if one be published therein, once each week, for four successive weeks next preceding such election. No debt shall be so created if the total indebtedness of the state, exclusive of the debts of the territory, and the several counties thereof, assumed by the state, would thereby be made to exceed one per centum of the assessed valuation of all the property subject to taxation in the state as shown by the preceding general assessment.

Sec. 9. Any money borrowed by the state, or any county, district, or municipality thereof, shall be applied to the purpose for which it was obtained, or to repay such loan, and to no other purpose whatever.

Sec. 10. No county shall borrow money except for the purpose of erecting necessary public buildings or constructing or repairing public roads and bridges, and in such cases only after the proposition to create such debt shall have been submitted to the qualified electors of the county who paid a property tax therein during the preceding year and approved by a majority of those voting thereon. No bonds issued for such purpose shall run for more than fifty years.

Sec. 11. No school district shall borrow money, except for the purpose of erecting and furnishing school buildings or purchasing school grounds, and in such cases only when the proposition to create the debt shall have been submitted to the qualified electors of the district, and approved by a majority of those voting thereon. No school district shall ever become indebted in an amount exceeding six per centum on the assessed valuation of the taxable property within such school district, as shown by the preceding general assessment.

Sec. 12. No city, town or village shall contract any debt except by an ordinance, which shall be irrepealable until the indebtedness therein provided for shall have been fully paid or discharged, and which shall specify the purposes to which the funds to be raised shall be applied, and which shall provide for the levy of a tax, not exceeding twelve mills on the dollar upon all taxable property within such city, town or village, sufficient to pay the interest on, and to extinguish the principal of, such debt within fifty years. The proceeds of such tax shall be applied only to the payment of such interest and principal. No such debt shall be created unless the question of incurring the same shall, at a regular election for councilmen, aldermen or other officers of such city, town or village, have been submitted to a vote of such qualified electors thereof as have paid a property tax therein during the preceding year, and a majority of

those voting on the question, by ballot deposited in a separate ballot box, shall have voted in favor of creating such debt.

Sec. 13. No county, city, town or village shall ever become indebted to an amount in the aggregate, including existing indebtedness, exceeding four per centum on the value of the taxable property within such county, city, town or village, as shown by the last preceding assessment for state or county taxes; and all bonds or obligations issued in excess of such amount shall be void; provided, that any city, town or village may contract debts in excess of such limitation for the construction or purchase of a system for supplying water, or of a sewer system, for such city, town or village.

Sec. 14. Neither the state, nor any county, school district, or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit, or make any donation to or in aid of any person, association or public or private corporation, or in aid of any private enterprise for the construction of any railroad; provided, nothing herein shall be construed to prohibit the state or any county or municipality from making provision for the care and maintenance of sick and indigent persons.

Sec. 15. Nothing in this article shall be construed to prohibit the issue of bonds for the purpose of paying or refunding any valid state, county, district, or municipal bonds and it shall not be necessary to submit the question of the issue of such bonds to a vote as herein provided.

ARTICLE X.

County and Municipal Corporations.

Section 1. The legislature shall at its first session classify the counties and fix salaries for all county officers, which shall also apply to those elected at the first election under this constitution. And no county officer shall receive to his own use any fees or emoluments other than the annual salary provided by law, and all fees earned by any officer shall be by him collected and paid into the treasury of the county.

Sec. 2. All county officers shall be elected for a term of four years and no county officer, except the county clerk and probate judge, shall, after having served one full term be eligible to hold any county office for four years thereafter.

Sec. 3. No county seat, where there are county buildings, shall be removed unless three-fifths of the votes cast by qualified electors on the question of removal at an election called and held as now or hereafter provided by law, be in favor of such removal. The proposition of removal shall not be submitted in the same county oftener than once in eight years.

ARTICLE XI.

Corporations Other Than Municipal.

Section 1. A permanent commission to consist of three members is hereby created, which shall be known as the "State Corporation Commission."

Sec. 2. The members of the commission shall be elected for the term of six years; provided, that those chosen at the first election for state officers shall immediately qualify and classify themselves by lot, so that one of them shall hold office until two years, one until four years and one until six years from and after January first, nineteen hundred and thirteen; and thereafter one commissioner shall be elected at each general election.

Sec. 3. No officer, agent or employe of any railway, express, telegraph, telephone, sleeping-car, or other transportation or transmission company, while representing such company, nor any person financially interested therein, shall hold office as a member of the commission, or perform any of the duties thereof, and no commissioner shall be qualified to act upon any matter pending before the commission, in which he is interested, either as principal, agent or attorney.

Sec. 4. The commission shall annually elect one of its members chairman and shall have one clerk, and such other officers, assistants and subordinates as may be prescribed by law, all of whom shall be appointed and subject to removal by the commission. The commission shall prescribe its own rules of order and procedure, except so far as specified in this constitution. The attorney-general of the state, or his legally authorized representative, shall be the attorney for the commission.

Sec. 5. The legislature shall provide suitable quarters for the commission, and funds for its lawful expenses, including necessary traveling expenses, witness fees and mileage and costs of executing process issued by the commission or the supreme court or the district courts. The salary of each commissioner shall be three thousand dollars per annum, payable quarterly.

Sec. 6. Subject to the provisions of this constitution, and of such requirements, rules and regulations as may be prescribed by law, the state corporation commission shall be the department of government through which shall be issued all charters for domestic corporations and amendments or extensions thereof, and all licenses to foreign corporations to do business in this state; and through which shall be carried out all the provisions of this constitution relating to corporations and the laws made in pursuance thereof. The commission shall prescribe the form of all reports which may be required of corporations by this constitution or by law, and shall collect, receive and preserve such reports, and annually tabulate and publish them. All fees required by law to be paid for the filing of articles of incorporation, reports and other documents, shall be collected by the commission and paid into the state treasury. All charters, papers and documents relating to corporations on file in the office of the secretary of the territory, the commissioner of insurance and all other territorial offices, shall be transferred to the office of the commission.

Sec. 7. The commission shall have power and be charged with the duty of fixing, determining, supervising, regulating and controlling all charges and rates of railway, express, telegraph, telephone, sleeping-car, and other transportation and transmission companies and common carriers within the state; to require railway companies to provide and maintain adequate depots, stock-pens, station buildings, agents and facilities for the accommodation of passengers and for receiving and delivering freight and express; and to provide and maintain necessary crossings, culverts and sidings upon and alongside of their roadbeds, whenever in the judgment of the commission the public interests demand, and as may be reasonable and just. The commission shall also have power and be charged with the duty to make and enforce reasonable and just rules requiring the supplying of cars and equipment for the use of shippers and passengers, and to require all intrastate railways, transportation companies or common carriers, to provide such reasonable safety appliances in connection with all equipment, as may be necessary and proper for the safety of its employes and the public, and as are now or may be required by the federal laws, rules and regulations governing interstate commerce. The commission shall have power to change or alter such rates, to change, alter or amend its orders, rules, regulations or determinations, and to enforce the same in the manner prescribed herein; provided, that in the matter of fixing rates of telephone and telegraph companies, due consideration shall be given to the earnings, investment and expenditure as a whole within the state. The commission shall have power to subpoena witnesses and enforce their attendance before the commission, through any district court or the supreme court of the state, and through such court to punish for contempt; and it shall have power, upon a hearing, to determine and decide any question given to it herein, and in case of failure or refusal of any person, company or corporation to comply with any order within the time limit therein, unless an order of removal shall have been taken from such order by the company or corporation to the supreme court of this state, it shall immediately become the duty of the commission to remove such order, with the evidence adduced upon the hearing, with the documents in the case to the supreme court of this state. Any company, corporation or common carrier which does not comply with the order of the commission within the time limited therefor, may file with the commission a petition to remove such cause to the supreme court, and in the event of such removal by the company, corporation or common carrier, or other party to such hearing, the supreme court may, upon application in its discretion, or of its own motion, require or authorize additional evidence to be taken in such cause; but in the event of removal by the commission, upon failure of the company, corporation or common carrier, no additional evidence shall be allowed. The supreme court, for the consideration of such causes arising hereunder, shall be in session at all times, and shall give precedence to such causes. Any party to such hearing before the commission, shall have the same right to remove the order entered therein to the supreme court of the state, as given under the provisions hereof to the company or corporation against which such order is directed.

In addition to the other powers vested in the supreme court by this constitution and the laws of the state, the said court shall have the power and it shall be its duty to decide such cases on their merits, and carry into effect its judgments, orders and decrees made in such cases, by fine, forfeiture, mandamus, injunction and contempt or other appropriate proceedings.

Sec. 8. The commission shall determine no question nor issue any order in relation to the matters specified in the preceding section, until after a public hearing held upon ten days' notice to the parties concerned, except in case of default after such notice.

Sec. 9. It is hereby made the duty of the commissioners to exercise constant diligence in informing themselves of the rates and charges of transportation and transmission companies and common carriers engaged in the transportation of passengers and property from points in this state to points beyond its limits, and from points in other states to points in this state; and, whenever it shall come to the knowledge of the commission, by complaint or in any other manner, that the rate charged by any transportation or transmission company or common carrier, on interstate business is unjust, excessive or unreasonable, or that such rates discriminate against the citizens of the state, and in the judgment of the commission such complaint is well founded and the public welfare involved, the commission shall institute and prosecute to a final determination before the interstate commerce commission or commerce court, or any lawful authority having jurisdiction in the premises, such proceedings as it may deem expedient to obtain such relief as conditions may require.

Sec. 10. No transportation or transmission company or common carrier shall charge or receive any greater compensation, in the aggregate, for the transportation as intrastate commerce of passengers, or a like kind of property, or for the transmission of the same kind of message, between points in this state, for a shorter than a longer distance over the same line or route in the same direction, the shorter being included within the longer distance; but this section shall not be construed as authorizing any such company or common carrier to charge or receive as great compensation for a shorter as for a longer distance; provided, that telegraph and telephone companies may, in certain cases, with the approval of the commission, base their charges upon the air-line distances instead of the distances actually traveled by the messages. The commission may from time to time authorize any such company or common carrier to disregard the foregoing provisions of this section, by charging such rates as the commission may prescribe as just and equitable between such company or common carrier and the public, to or from any junction or competitive points, or localities, or where the competition of points located without or within this state may necessitate the prescribing of special rates for the protection of the commerce of this state, or in cases of general epidemics, pestilence, calamitous visitations and other exigencies. This section shall not apply to mileage tickets or to any special excursion or commutation rates; nor to special rates for services rendered in the interest of any public or charitable object, when such tickets or rates shall have been prescribed or authorized

by the commission, nor shall it apply to special rates for services rendered to the United States or this state.

Sec. 11. The commission shall have the right at all times to inspect the books, papers and records of all such companies and common carriers doing business in this state, and to require from such companies and common carriers from time to time special reports and statements, under oath, concerning their business. The commissioners shall have the power to administer oaths and to certify to their official acts.

Sec. 12. No corporation in existence at the time of the adoption of this constitution shall have the benefit of any future legislation, nor shall any amendment or extension to its charter be granted, until such corporation shall have filed in the office of the commission an acceptance of the provisions of this constitution; provided, however, that whether or not they file such acceptance, such corporations shall be subject to the provisions of this constitution and the laws of this state.

General Provisions.

Sec. 13. The legislature shall provide for the organization of corporations by general law. All laws relating to corporations may be altered, amended or repealed by the legislature, at any time, when necessary for the public good and general welfare, and all corporations, doing business in this state, may, as to such business, be regulated, limited or restrained by laws not in conflict with the constitution of the United States or of this constitution.

Sec. 14. The police power of this state is supreme over all corporations as well as individuals.

Sec. 15. Every railroad, car or express company, shall respectively receive and transport, without delay or discrimination, each other's cars, tonnage and passengers, under such rules and regulations as may be prescribed by the commission.

Sec. 16. All telephone and telegraph lines, operated for hire, shall receive and transmit each other's messages without delay or discrimination, and make and maintain connections with each other's lines, under such rules and regulations as may be prescribed by the commission.

Sec. 17. Any railroad corporation or association organized for the purpose, shall have the right to construct and operate a railroad between any points within this state or elsewhere, and to connect at the state line or elsewhere with the railroads of other states; and, under such terms, order or permission as may be granted in each instance by the commission, shall have the right to cause its road to intersect, connect with or cross any other railroad.

Sec. 18. The right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking the property and franchises of incorporated companies and subjecting them to the public use, the same as the property of individuals.

ARTICLE XII.

Education.

Section 1. A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained.

Sec. 2. The permanent school fund of the state shall consist of the proceeds of sales of sections two, sixteen, thirty-two and thirty-six in each township of the state, or the lands selected in lieu thereof; the proceeds of sales of all lands that have been or may hereafter be granted to the state not otherwise appropriated by the terms and conditions of the grant; such portion of the proceeds of sales of lands of the United States within the state as has been or may be granted by congress; also all other grants, gifts and devises made to the state, the purpose of which is not otherwise specified.

Sec. 3. The schools, colleges, universities and other educational institutions provided for by this constitution shall forever remain under the exclusive control of the state, and no part of the proceeds arising from the sale or disposal of any lands granted to the state by congress, or any other funds appropriated, levied or collected for educational purposes, shall be used for the support of any sectarian, denominational or private school, college or university.

Sec. 4. All fines and forfeitures collected under general laws; the net proceeds of property that may come to the state by escheat; the rentals of all school lands and other lands granted to the state, the disposition of which is not otherwise provided for by the terms of the grant or by act of congress; and the income derived from the permanent school fund, shall constitute the current school fund of the state. The legislature shall provide for the levy and collection of an annual tax upon all the taxable property in the state for the maintenance of the public schools, the proceeds of such tax levy to be added to the current school fund above provided for. The current school fund shall be distributed among the school districts of the state in the proportion that the number of children of school age in each district bears to the total number of such children in the state, and shall provide for the levy and collection of additional local taxes for school purposes. A public school shall be maintained for at least five months in each year in every school district in the state.

Before making the distribution above provided for, there shall be taken from the current school fund as above created, a sufficient reserve to be distributed among school districts in which the proceeds of the annual local tax, when levied to the limit allowed by law, plus the regular quota of current school funds allotted to said district, shall not be sufficient for the maintaining of a school for the full period of five months, and this reserve fund shall be so distributed among such districts as to enable each district to hold school for the said period.

Sec. 5. Every child of school age and of sufficient physical and mental ability shall be required to attend a public or other school during such period and for such time as may be prescribed by law.

Sec. 6. A state board of education is hereby created, to consist of seven members. It shall have the control, management and direc-

tion of all public schools, under such regulations as may be provided by law. The governor and the state superintendent of public instruction shall be ex-officio members of said board and the remaining five members shall be appointed by the governor, by and with the consent of the senate; and shall include the head of some state educational institution, a county superintendent of schools, and one other person actually connected with educational work. The legislature may provide for district or other school officers, subordinate to said board.

Sec. 7. The principal of the permanent school fund shall be invested in the bonds of the State or Territory of New Mexico, or of any county, city, town, board of education or school district therein. The legislature may by three-fourths vote of the members elected to each house provide that said funds may be invested in other interest-bearing securities. All bonds or other securities in which any portion of the school fund shall be invested must be first approved by the governor, attorney-general and secretary of state. All losses from such funds, however occurring, shall be reimbursed by the state.

Sec. 8. The legislature shall provide for the training of teachers in the normal schools or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of the state; and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students.

Sec. 9. No religious test shall ever be required as a condition of admission into the public schools or any educational institution of this state, either as a teacher or student, and no teacher or student of such school or institution shall ever be required to attend or participate in any religious service whatsoever.

Sec. 10. Children of Spanish descent in the State of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the state, and they shall never be classed in separate schools, but shall forever enjoy perfect equality with other children in all public schools and educational institutions of the state, and the legislature shall provide penalties for the violation of this section. This section shall never be amended except upon a vote of the people of this state, in an election at which at least three-fourths of the electors voting in the whole state and at least two-thirds of those voting in each county in the state shall vote for such amendment.

Sec. 11. The University of New Mexico at Albuquerque, the New Mexico College of Agriculture and Mechanic Arts near Las Cruces, the New Mexico School of Mines at Socorro, the New Mexico Military Institute at Roswell, the New Mexico Normal University at Las Vegas, the New Mexico Normal School at Silver City, the Spanish-American School at El Rito, the New Mexico Asylum for the Deaf and Dumb at Santa Fe, and the New Mexico Institute for the Blind at Alamogordo, are hereby confirmed as state educational institutions. The appropriations made and that may hereafter be made to the state by the United States for agricultural and mechanical colleges and experiment stations in connection therewith, shall be paid to the New Mexico College of Agriculture and Mechanic Arts.

Sec. 12. All lands granted under the provisions of the act of congress, entitled, "An Act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original states; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original states," for the purposes of said several institutions are hereby accepted and confirmed to said institutions, and shall be exclusively used for the purposes for which they were granted; provided, that one hundred and seventy thousand acres of the land granted by said act for normal school purposes are hereby equally apportioned between said three normal institutions, and the remaining thirty thousand acres thereof is reserved for a normal school which shall be established by the legislature and located in one of the counties of Union, Quay, Curry, Roosevelt, Chaves or Eddy.

Sec. 13. The legislature shall provide for the control and management of each of said institutions by a board of regents, for each institution, consisting of five members to be appointed by the governor, by and with the advice and consent of the senate for a term of four years, and not more than three of whom shall belong to the same political party at the time of their appointment. The duties of said boards shall be prescribed by law.

ARTICLE XIII.

Public Lands.

Section 1. All lands belonging to the Territory of New Mexico, and all lands granted, transferred or confirmed to the state by congress, and all lands hereafter acquired, are declared to be public lands of the state to be held or disposed of as may be provided by law for the purposes for which they have been or may be granted, donated or otherwise acquired; provided, that such of school sections two, thirty-two, sixteen and thirty-six as are not contiguous to other state lands shall not be sold within the period of ten years next after the admission of New Mexico as a state for less than ten dollars per acre.

Sec. 2. The commissioner of public lands shall select, locate, classify, and have the direction, control, care and disposition of all public lands, under the provisions of the acts of congress relating thereto and such regulations as may be provided by law.

ARTICLE XIV.

Public Institutions.

Section 1. The Penitentiary at Santa Fe, the Miners' Hospital of New Mexico at Raton, the New Mexico Insane Asylum at Las Vegas, and the New Mexico Reform School at Springer, are hereby confirmed as state institutions.

Sec. 2. All lands which have been or which may be granted to the state by congress for the purpose of said several institutions are hereby accepted for said several institutions with all other grants, donations or devises for the benefit of the same, and shall be exclusively used for the purpose for which they were or may be granted, donated or devised.

Sec. 3. Each of said institutions shall be under the control and management of a board whose title, duties and powers shall be as may be provided by law. Each of said boards shall be composed of five members who shall hold office for the term of four years, and shall be appointed by the governor by and with the consent of the senate, and not more than three of whom shall belong to the same political party at the time of their appointment.

ARTICLE XV.

Agriculture and Conservation.

Section 1. There shall be a department of agriculture which shall be under the control of the board of regents of the College of Agriculture and Mechanic Arts; and the legislature shall provide lands and funds necessary for experimental farming and demonstrating by said department.

Sec. 2. The police power of the state shall extend to such control of private forest lands as shall be necessary for the prevention and suppression of forest fires.

ARTICLE XVI.

Irrigation and Water Rights.

Section 1. All existing rights to the use of any waters in this state for any useful or beneficial purpose are hereby recognized and confirmed.

Sec. 2. The unappropriated water of every natural stream, perennial or torrential, within the State of New Mexico, is hereby declared to belong to the public and to be subject to appropriation for beneficial use, in accordance with the laws of the state. Priority of appropriation shall give the better right.

Sec. 3. Beneficial use shall be the basis, the measure and the limit of the right to the use of water.

Sec. 4. The legislature is authorized to provide by law for the organization and operation of drainage districts and systems.

ARTICLE XVII.

Mines and Mining.

Section 1. There shall be an inspector of mines, who shall be appointed by the governor, by and with the advice and consent of

the senate, for a term of four years, and whose duties and salary shall be as prescribed by law.

Sec. 2. The legislature shall enact laws requiring the proper ventilation of mines, the construction and maintenance of escapement shafts or slopes, and the adoption and use of appliances necessary to protect the health and secure the safety of employes therein. No children under the age of fourteen years shall be employed in mines.

ARTICLE XVIII.

Militia.

Section 1. The militia of this state shall consist of all able-bodied male citizens between the ages of eighteen and forty-five, except such as are exempt by laws of the United States or of this state. The organized militia shall be called the "National Guard of New Mexico," of which the governor shall be the commander-in-chief.

Sec. 2. The legislature shall provide for the organization, discipline and equipment of the militia, which shall conform as nearly as practicable to the organization, discipline and equipment of the regular army of the United States, and shall provide for the maintenance thereof.

ARTICLE XIX.

Amendments.

Section 1. Any amendment or amendments to this constitution, may be proposed in either house of the legislature at any regular session thereof, and if two-thirds of all members elected to each of the two houses, voting separately, shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon; or any amendment or amendments to this constitution may be proposed at the first regular session of the legislature held after the expiration of two years from the time this constitution goes into effect, or at the regular session of the legislature convening each eighth year thereafter, and if a majority of all the members elected to each of the two houses voting separately at said sessions shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon. The secretary of state shall cause any such amendment or amendments to be published in at least one newspaper in every county of the state where a newspaper is published, once each week, for four consecutive weeks, the last publication to be not less than two weeks prior to the next general election, at which time the said amendment or amendments shall be submitted to the electors of the state for their approval or rejection. If the same be ratified by a majority of the electors voting thereon and by an affirmative vote equal to at least forty per centum of all the votes cast at said election in the state and in at least one-half of the counties thereof, then, and not otherwise, such amend-

ment or amendments shall become part of this constitution. Not more than three amendments shall be submitted at one election, and if two or more amendments are proposed, they shall be so submitted as to enable the electors to vote on each of them separately; provided, that no amendment shall apply to or affect the provisions of sections one and three of article seven hereof on Elective Franchise, and sections eight and ten of article twelve hereof on Education unless it be proposed by vote of three-fourths of the members elected to each house.

Sec. 2. Whenever, during the first twenty-five years after the adoption of this constitution, the legislature by a three-fourths vote of the members elected to each house, or after the expiration of said period of said twenty-five years by a two-thirds vote of the members elected to each house, shall deem it necessary to call a convention to revise or amend this constitution, they shall submit the question of calling such convention to the electors at the next general election, and if a majority of all the electors voting at said election in the state and in at least one-half of the counties thereof shall vote in favor of calling a convention, the legislature shall at the next session provide by law for calling the same. Such convention shall consist of at least as many delegates as there are members of the house of representatives.

The constitution adopted by such convention shall have no validity until it has been submitted to and ratified by the people.

Sec. 3. If this constitution be in any way so amended as to allow laws to be enacted by direct vote of the electors, the laws which may be so enacted shall be only such as might be enacted by the legislature under the provisions of this constitution.

Sec. 4. When the United States shall consent thereto, the legislature, by a majority vote of the members in each house, may submit to the people the question of amending any provision of Article XXI of this constitution on Compact with the United States to the extent allowed by the act of congress permitting the same, and if a majority of the qualified electors who vote upon any such amendment shall vote in favor thereof, the said article shall be thereby amended accordingly.

Sec. 5. The provisions of section one of this article shall not be changed, altered or abrogated in any manner except through a general convention called to revise this constitution as herein provided.

ARTICLE XX.

Miscellaneous.

Section 1. Every person elected or appointed to any office shall, before entering upon his duties, take and subscribe to an oath or affirmation that he will support the Constitution of the United States and the constitution and laws of this state, and that he will faithfully and impartially discharge the duties of his office to the best of his ability.

Sec. 2. Every officer, unless removed, shall hold his office until his successor has duly qualified.

Sec. 3. The term of office of every state, county or district officer, except those elected at the first election held under this constitution, and those elected to fill vacancies, shall commence on the first day of January next after his election.

Sec. 4. If a vacancy occur in the office of district attorney, judge of the supreme or district court, or county commissioner, the governor shall fill such vacancy by appointment, and such appointee shall hold such office until the next general election. His successor shall be chosen at such election and shall hold his office until the expiration of the original term.

Sec. 5. If, while the senate is not in session, a vacancy occur in any office the incumbent of which was appointed by the governor by and with the advice and consent of the senate, the governor shall appoint some qualified person to fill the same until the next session of the senate; and shall then appoint by and with the advice and consent of the senate some qualified person to fill said office for the period of the unexpired term.

Sec. 6. General elections shall be held in the state on the Tuesday after the first Monday in November in each even numbered year.

Sec. 7. The returns of all elections for officers who are chosen by the electors of more than one county shall be canvassed by the county canvassing board of each county as to the vote within their respective counties. Said board shall immediately certify the number of votes received by each candidate for such office within such county, to the state canvassing board herein established, which shall canvass and declare the result of the election.

Sec. 8. In the event that New Mexico is admitted into the Union as a state prior to the Tuesday next after the first Monday in November in the year nineteen hundred and twelve, and if no provision has been made by the state legislature therefor, an election shall be held in the state on the said Tuesday next after the first Monday in November, nineteen hundred and twelve, for the election of presidential electors; and such election shall be held as herein provided for the election upon the ratification of this constitution, and the returns thereof made to, and canvassed and certified by, the state canvassing board as herein provided in case of the election of state officers.

Sec. 9. No officer of the state who receives a salary shall accept or receive to his own use any compensation, fees, allowance, or emoluments for or on account of his office, in any form whatever, except the salary provided by law.

Sec. 10. The legislature shall enact suitable laws for the regulation of the employment of children.

Sec. 11. Women may hold the office of notary public and such other appointive offices as may be provided by law.

Sec. 12. For the first twenty years after this constitution goes into effect all laws passed by the legislature shall be published in both the English and Spanish languages and thereafter such publication shall be made as the legislature may provide.

Sec. 13. The use of wines solely for sacramental purposes under church authority at any place within the state shall never be prohibited.

Sec. 14. It shall not be lawful for the governor, any member of the state board of equalization, any member of the corporation commission, any judge of the supreme or district court, any district attorney, any county commissioner or any county assessor, during his term of office to accept, hold or use any free pass; or purchase, receive or accept transportation over any railroad within this state for himself or his family upon terms not open to the general public; and any person violating the provisions hereof shall, upon conviction in a court of competent jurisdiction, be punished as provided in sections thirty-seven and forty of the article on legislative department in this constitution.

Sec. 15. The penitentiary is a reformatory and an industrial school, and all persons confined therein shall, so far as consistent with discipline and the public interest, be employed in some beneficial industry; and where a convict has a dependent family, his net earnings shall be paid to said family if necessary for their support.

Sec. 16. Every person, receiver or corporation owning or operating a railroad within this state shall be liable in damages for injury to, or the death of, any person in its employ, resulting from the negligence, in whole or in part, of said owner or operator or of any of the officers, agents or employes thereof, or by reason of any defect or insufficiency, due to its negligence, in whole or in part, in its cars, engines, appliances, machinery, track, roadbed, works or other equipment.

An action for negligently causing the death of an employe as above provided shall be maintained by the executor or administrator for the benefit of the employe's surviving widow or husband and children; or if none, then his parents; or if none, then the next of kin dependent upon said deceased. The amount recovered may be distributed as provided by law. Any contract or agreement made in advance of such injury with any employe waiving or limiting any right to recover such damages shall be void.

This provision shall not be construed to affect the provisions of section two of article twenty-two of this constitution, being the article upon Schedule.

Sec. 17. There shall be a uniform system of textbooks for the public schools which shall not be changed more than once in six years.

Sec. 18. The leasing of convict labor by the state is hereby prohibited.

Sec. 19. Eight hours shall constitute a day's work in all cases of employment by and on behalf of the state or any county or municipality thereof.

Sec. 20. Any person held by a committing magistrate to await the action of the grand jury on a charge of felony or other infamous crime, may in open court with the consent of the court and the district attorney; to be entered upon the record, waive indictment and plead to an information in the form of an indictment filed by the district attorney, and further proceedings shall then be had upon said information with like force and effect as though it were an indictment duly returned by the grand jury.

ARTICLE XXI.

Compact With the United States.

In compliance with the requirements of the act of congress, entitled, "An Act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original states; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original states," approved June twentieth, nineteen hundred and ten, it is hereby provided:

Section 1. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship. Polygamous or plural marriages, polygamous cohabitation, and the sale, barter, or giving of intoxicating liquors to Indians, the introduction of such liquors into the Indian country, which term shall also include all lands owned or occupied by the Pueblo Indians of New Mexico on the twentieth day of June, nineteen hundred and ten, or which are occupied by them at the time of the admission of New Mexico as a state, are forever prohibited.

Sec. 2. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof, and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through the United States, or any prior sovereignty; and that until the title of such Indian or Indian tribes shall have been extinguished, the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without this state shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by this state upon lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein shall preclude this state from taxing as other lands and property are taxed, any lands and other property outside of an Indian reservation, owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid, or as may be granted or confirmed to any Indian or Indians under any act of congress; but all such lands shall be exempt from taxation by this state so long and to such extent as the Congress of the United States has prescribed or may hereafter prescribe.

Sec. 3. The debts and liabilities of the Territory of New Mexico, and the debts of the counties thereof, which were valid and subsisting on the twentieth day of June, nineteen hundred and ten, are hereby assumed and shall be paid by this state; and this state shall, as to all such debts and liabilities, be subrogated to all the rights, including rights of indemnity and reimbursement, existing in favor of said territory or of any of the several counties thereof on said

date. Nothing in this article shall be construed as validating or in any manner legalizing any territorial, county, municipal or other bonds, warrants, obligations, or evidences of indebtedness of, or claims against, said territory or any of the counties or municipalities thereof which now are or may be, at the time this state is admitted, invalid and illegal; nor shall the legislature of this state pass any law in any manner validating or legalizing the same.

Sec. 4. Provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of the state and free from sectarian control, and said schools shall always be conducted in English.

Sec. 5. This state shall never enact any law restricting or abridging the right of suffrage on account of race, color or previous condition of servitude; and in compliance with the requirements of the said act of congress, it is hereby provided that ability to read, write, speak and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter, shall be a necessary qualification for all state officers and members of the state legislature.

Sec. 6. The capital of this state shall, until changed by the electors voting at an election provided for by the legislature of this state for that purpose, be at the city of Santa Fe, but no such election shall be called or provided for prior to the thirty-first day of December, nineteen hundred and twenty-five.

Sec. 7. There are hereby reserved to the United States, with full acquiescence of the people of this state, all rights and powers for the carrying out of the provisions by the United States of the act of congress, entitled, "An Act appropriating the receipts from the sale and disposal of public lands in certain states and territories to the construction of irrigation works for the reclamation of arid lands," approved June seventeenth, nineteen hundred and two, and acts amendatory thereof or supplementary thereto, to the same extent as if this state had remained a territory.

Sec. 8. Whenever hereafter any of the lands contained within Indian reservations or allotments in this state shall be allotted, sold, reserved or otherwise disposed of, they shall be subject for a period of twenty-five years after such allotment, sale, reservation or other disposal, to all the laws of the United States prohibiting the introduction of liquor into the Indian country; and the terms "Indian" and "Indian country" shall include the Pueblo Indians of New Mexico and the lands owned or occupied by them on the twentieth day of June, nineteen hundred and ten, or which are occupied by them at the time of the admission of New Mexico as a state.

Sec. 9. This state and its people consent to all and singular the provisions of the said act of congress, approved June twentieth, nineteen hundred and ten, concerning the lands by said act granted or confirmed to this state, the terms and conditions upon which said grants and confirmations were made and the means and manner of enforcing such terms and conditions, all in every respect and particular as in said act provided.

Sec. 10. This ordinance is irrevocable without the consent of the United States and the people of this state, and no change or abroga-

tion of this ordinance, in whole or in part, shall be made by any constitutional amendment without the consent of congress.

ARTICLE XXII.

Schedule.

That no inconvenience may arise by reason of the change from a territorial to a state form of government, it is declared and ordained:

Section 1. This constitution shall take effect and be in full force immediately upon the admission of New Mexico into the Union as a state.

Sec. 2. Until otherwise provided by law, the act of congress of the United States, entitled, "An Act relating to liability of common carriers, by railroads to their employes in certain cases," approved April twenty-second, nineteen hundred and eight, and all acts amendatory thereof, shall be and remain in force in this state to the same extent that they have been in force in the Territory of New Mexico.

Sec. 3. Until otherwise provided by law, the act of congress, entitled, "An Act for the protection of the lives of miners," approved March third, eighteen hundred and ninety-one, and all acts amendatory thereof, shall be and remain in force in this state to the same extent that they have been in force in the Territory of New Mexico; the words "Governor of the State," are hereby substituted for the words "Governor of such organized territory;" and for the words "Secretary of the Interior" wherever the same appear in said acts; and the chief mine inspector for the Territory of New Mexico, appointed by the President of the United States, is hereby authorized to perform the duties prescribed by said acts until superseded by the "inspector of mines" appointed by the governor, as elsewhere provided by the constitution, and he shall receive the same compensation from the state as he received from the United States.

Sec. 4. All laws of the Territory of New Mexico in force at the time of its admission into the Union as a state, not inconsistent with this constitution, shall be and remain in force as the laws of the state until they expire by their own limitation, or are altered or repealed; and all rights, actions, claims, contracts, liabilities and obligations, shall continue and remain unaffected by the change in the form of government.

Sec. 5. The pardoning power herein granted shall extend to all persons who have been convicted of offenses against the laws of the Territory of New Mexico.

Sec. 6. All property, real and personal, and all moneys, credits, claims and choses in action belonging to the Territory of New Mexico, shall become the property of this state; and all debts, taxes, fines, penalties, escheats and forfeitures, which have accrued or may accrue to said territory, shall inure to this state.

Sec. 7. All recognizances, bonds, obligations and undertakings entered into or executed to the Territory of New Mexico, or to any county, school district, municipality, officer or official board therein,

shall remain valid according to the terms thereof, and may be sued upon and recovered by the proper authority under the state law.

Sec. 8. All lawful process, writs, judgments, decrees, convictions and sentences issued, rendered, had or pronounced, in force at the time of the admission of the state, shall continue and remain in force to the same extent as if the change of government had not occurred, and shall be enforced and executed under the laws of the state.

Sec. 9. All courts existing, and all persons holding offices or appointments under authority of said territory, at the time of the admission of the state, shall continue to hold and exercise their respective jurisdictions, functions, offices and appointments until superseded by the courts, officers, or authorities provided for by this constitution.

Until otherwise provided by law, the seal of the territory shall be used as the seal of the state, and the seals of the several courts, officers and official boards in the territory shall be used as the seals of the corresponding courts, officers and official boards in the state; and for any new court, office or board created by this constitution, a seal may be adopted by the judge of said court, or the incumbent of said office, or by the said board.

Sec. 10. All suits, indictments, criminal actions, bonds, process, matters and proceedings pending in any of the courts in the Territory of New Mexico at the time of the organization of the courts provided for in this constitution shall be transferred to and proceed to determination in such courts of like or corresponding jurisdiction. And all civil causes of action and criminal offenses which shall have been commenced, or indictment found, shall be subject to action, prosecution, indictment and review in the proper courts of the state, in like manner and to the same extent as if the state had been created and said courts established prior to the accrual of such causes of action and the commission of such offenses.

Sec. 11. This constitution shall be signed by the president and secretary of the constitutional convention, and such delegates as desire to sign the same, and shall be deposited in the office of the secretary of the territory where it may be signed at any time by any delegate.

Sec. 12. All lawful debts and obligations of the several counties of the Territory of New Mexico not assumed by the state and of the school districts, municipalities, irrigation districts and improvement districts, therein, existing at the time of its admission as a state, shall remain valid and unaffected by the change of government, until paid or refunded according to law; and all counties, municipalities and districts in said territory shall continue with the same names, boundaries and rights until changed in accordance with the constitution and laws of the state.

Sec. 13. This constitution shall be submitted to the people of New Mexico for ratification at an election to be held on the twenty-first day of January, nineteen hundred and eleven, at which election the qualified voters of New Mexico shall vote directly for or against the same, and the governor of the Territory of New Mexico shall forthwith issue his proclamation ordering said election to be held on said day.

Except as to the manner of making returns of said election and

canvassing and certifying the result thereof, said election shall be held and conducted in the manner prescribed by the laws of New Mexico now in force.

Sec. 14. The ballots cast at said election in favor of the ratification of this constitution shall have printed or written thereon in both English and Spanish the words "For the Constitution;" and those against the ratification of the constitution shall have written or printed thereon in both English and Spanish the words "Against the Constitution;" and shall be counted and returned accordingly.

Sec. 15. The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe, who, with the governor and the chief justice of said territory, shall constitute a canvassing board, and they, or any two of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same. Said canvassing board shall make and file with the secretary of the Territory of New Mexico, a certificate signed by at least two of them, setting forth the number of votes cast at said election for or against the constitution, respectively.

Sec. 16. If a majority of the legal votes cast at said election as certified to by said canvassing board, shall be for the constitution, it shall be deemed to be duly ratified by the people of New Mexico and the secretary of the Territory of New Mexico shall forthwith cause to be submitted to the President of the United States and to congress for approval, a certified copy of this constitution, together with the statement of the votes cast thereon.

Sec. 17. If congress and the President approve this constitution or if the President approves the same and congress fails to disapprove the same during the next regular session thereof, the governor of New Mexico shall, within thirty days after receipt of notification from the President certifying said facts, issue his proclamation for an election at which officers for a full state government, including a governor, county officers, members of the state legislature, two representatives in congress to be elected at large from the state, and such other officers as this constitution prescribes, shall be chosen by the people; said election to take place not earlier than sixty days nor later than ninety days after the date of said proclamation by the governor ordering the same.

Sec. 18. Said last mentioned election shall be held, the returns thereof made, canvassed and certified to by the secretary of said territory, in the same manner, and the same laws, including those as to qualifications of electors, shall be applicable thereto, as hereinbefore prescribed for holding, making of the returns, canvassing and certifying the same, of the election for the ratification or rejection of this constitution.

When said election of state and county officers, members of the legislature, representatives in congress, and other officers provided for in this constitution, shall be held and the returns thereof made, canvassed and certified as hereinbefore provided, the governor of the Territory of New Mexico shall immediately certify the result of said election, as canvassed and certified as hereinbefore provided, to the President of the United States.

Sec. 19. Within thirty days after the issuance by the President of the United States of his proclamation announcing the result of said election so ascertained, all officers elected at such election, except members of the legislature, shall take the oath of office and give bond as required by this constitution or by the laws of the Territory of New Mexico in case of like officers in the territory, county or district, and shall thereupon enter upon the duties of their respective offices; but the legislature may by law require such officers to give other or additional bonds as a condition of their continuance in office.

Sec. 20. The governor of the state, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the legislature at the seat of government on a day to be specified therein, not less than thirty nor more than sixty days after the date of said proclamation.

The members-elect of the legislature shall meet on the day specified, take the oath required by this constitution and within ten days after organization shall proceed to the election of two senators of the United States for the State of New Mexico, in the manner prescribed by the constitution and laws of the United States; and the governor and secretary of the State of New Mexico shall certify the election of the senators and representatives in congress in the manner required by law.

Sec. 21. The legislature shall pass all necessary laws to carry into effect the provisions of this constitution.

Sec. 22. The term of office of all officers elected at the election aforesaid shall commence on the date of their qualification and shall expire at the same time as if they had been elected on the Tuesday next after the first Monday of November in the year nineteen hun dred and twelve.

Done in open convention at the city of Santa Fe, in the Territory of New Mexico, this twenty-first day of November, in the year of our Lord, one thousand nine hundred and ten.

(Signed) CHARLES A. SPIESS,
President of the Constitutional Convention.

(Signed) GEORGE W. ARMIJO,
Secretary.